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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,376	03/20/2002	Serge Haumont	59643.00717	9736
32294 7590 11/02/2007 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER AJAYI, JOEL	
			ART UNIT 2617	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/980,376

Applicant(s)

HAUMONT ET AL.

Examiner

Joel Ajayi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 19, 21-60, 77-92 and 96-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19, 21-60, 77-92 and 96-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to Applicant's amendment filed on April 23, 2007. **Claims 1-17, 19, 21-60, 77-92, 96-101** are still pending in the present application. **This action is made FINAL.**

#### ***Response to Arguments***

Applicant's arguments filed April 23, 2007 have been fully considered but they are not persuasive.

The argument features that the connection established between the mobile station and the end element is to be solely on the at least one parameter monitored by the monitoring means.

The examiner respectfully disagrees with the applicant's statement and asserts that Kouno et al. discusses comparing (monitoring) the signal quality to a threshold value and releasing the connection (perform handoff) if the signal quality is above the threshold value; the handoff is contingent on the signal quality (it is only performed based on the signal quality) (column 4, lines 24-35).

The argument features that the determination is dependent on the measurement of the connection between the current BTS, mobile station, and end point; and is also dependent on the monitored connections from at least one further BTS and mobile station.

The examiner respectfully disagrees with the applicant's statement and asserts that Kouno et al. discusses that the signal quality is compared to a threshold value set by the BTS, not by several connections (column 4, lines 24-31).

The argument features the handover process.

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The examiner respectfully disagrees with the applicant's statement and asserts that the essence of the claims is that the connection is released based on a parameter and Kouno et al. discloses this (handoff is performed based on the signal quality which is affected by location, movement and state of the mobile station); and hard handoffs are not only well known in the art, but are also beneficial for certain purposes (column 4, lines 24-35).

The argument features monitoring a connection for a parameter of an elapsed time since the last use of the connection.

The examiner respectfully disagrees with the applicant's statement and asserts that Blausten discusses that during a non-interactive connection (after the last connection) the system delays for a specified variable time period before it terminates the connection; the system monitors or makes sure that the connection is clear, that is, the data has arrived at the called or destination terminal before terminating/releasing the connection (column 3, lines 24-31, lines 34-38).

In view of the above, the rejections using Kouno and Blausten are maintained as repeated below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**Claims 1-8, 12-17, 19, 21-23, 31-60, 77-96 and 98-100** are rejected under 35

U.S.C. 103(a) as being unpatentable over **Rinne et al (Rinne) (U.S. Patent No.**

**6,574,473)** in view of **Kouno (U.S. Patent No. 6,438,378).**

Regarding **claims 1 and 97-99**, Rinne discloses a network element (i.e., reads on radio network controller) for use in a communication network, said network element being arranged between a mobile station (i.e., or terminal) and an end element (i.e., reads on MSC), wherein connections are established between said mobile station and said end element (MSC) via said network element (col. 5, lines 35-45 and col. 8, lines 23-32, see Fig. 7), said network element comprising a determining unit configured to determine if the connection between said end element and said mobile station is to be released (i.e., handover from one anchor RNC to other RNC, wherein link between anchor RNC and old RNC is removed, hence connection between end element or MSC and mobile station is released) (col. 6, lines 4-14, col. 8, lines 23-31 and col. 10, lines 7-18, see Fig. 7).

Rinne, however, fails to disclose a monitoring unit configured to monitor at least one parameter related to the connection between the mobile station and the end element.

In a similar field of endeavor, Kouno discloses a device using selected receivers to facilitate handoff to a base station in a mobile communication system. Kouno further discloses wherein a base station controller 51 (which reads on an RNC) monitors parameters in order to determine if a handoff is needed (col. 4, lines 17-43).

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At the time of invention, it would have been obvious to a person ordinary skill in the art to modify Rinne with the teachings of Kouno since, as shown in Kouno, it is well-known in the art for system controllers to monitor and determine when handoff should take place.

Regarding **claim 2**, Rinne discloses the network element as claimed in 1, wherein said network element is arranged to release said connection when the determining means determines that the connection is to be released (Rinne, col. 3, lines 24-42, col. 4, lines 40-48).

Regarding **claim 3**, Rinne discloses the network element as claimed in claim 2, wherein said network element is arranged to release the connection between the network element and said mobile station (Rinne, col. 5, lines 35-45, col. 7, lines 56-67 and col. 10, lines 7-29).

Regarding **claims 4-8 and 23**, Rinne discloses the network element as claimed in claims 1, 5, 6, 7 and 3, respectively, wherein said network element is arranged to send a message (and request and in response to a release command received from end element) (i.e., release bearers or handover complete) to the end element indicating that said connection has been released (Rinne, col. 10, line 44 to col. 11, line 57 and see Figs. 11 and 12).

Regarding **claim 12, and 31-40**, Rinne discloses a network element as claimed in claims 1-11, respectively, wherein said at least one parameter comprises a state of said mobile station said determining means is arranged to determine if the connection is to be released based on the state of the mobile station (col.10, lines 44-53).

Regarding **claim 13-17,41-60**, Rinne discloses a network element as claimed in claims 1-11, respectively, wherein said at least one parameter comprises movement of the mobile

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station and said determining means is arranged to determine if the connection should be released based on the movement (and location) of said mobile station (i.e., reads on the fact that handover is determined based on location or movement of mobile station within the base station set of a radio network controller) (Rinne, col. 17, lines 19-45; and Kouno, figure 1).

Regarding **claims 19, 77-92**, Rinne discloses a network element as claimed in claims 1-11, respectively, wherein said network element is a radio network controller (Rinne, col. 5, lines 35-45) and includes an end station (i.e., reads on mobile station) and an end element (i.e., reads on base station) (Rinne, col. 5, lines 35-45).

Regarding **claims 21-22, 96 and 100**, Rinne discloses the network element as claimed in claim 19, wherein said end element is SGSN and said network operates in accordance with the UMTS standard (Rinne, col. 2, line 65 to col. 3, line 7 and col. 15, lines 8-11).

**Claims 9-11, 24-30 and 101** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinne in view of **Blausten (U.S. Patent No. 4,443,875)**.

Regarding **claims 9, 24-30 and 101**, Rinne discloses a network element as claimed in **claims 1-8**, respectively. Rinne, however, fails to explicitly disclose wherein said at least one parameter comprises an elapsed time since the last use of the connection, and said determining means determines that the connection is to be released if said monitoring means indicates that the connection has not been used for a predetermined time.

In a similar field of endeavor, Blausten discloses these limitations (col. 3, lines 24-31).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Rinne to include a elapsed time for terminating a connection for handoff for the purpose of delaying the process request is the connection is not being used, hence preserving resources.

Regarding **claim 10**; Blausten discloses that the predetermined time depends on the type of traffic for which the connection is intended (request for termination) (col. 3, lines 24-31).

Regarding **claim 11**; Blausten discloses that the predetermined time depends on the quality of service profile of the traffic (high speed) for which the connection is intended (col. 3, lines 19-31).

### *Conclusion*

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the



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Examiner should be directed to Joel Ajayi whose telephone number is (571) 270-1091. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm and Friday 7:30am to 4:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Joel Ajayi*



CHARLES N. APPIAH  
SUPERVISORY PATENT EXAMINER